

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO:

WILL TATE

19-13124-JDW

NOTICE OF TRUSTEE'S MOTION TO MODIFY CONFIRMED PLAN

Should any party receiving this notice respond or object to said motion, such response or objection is required to be filed on or before March 2, 2019, using the CM/ECF system or with the Clerk of this Court at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

and a copy must be served on the undersigned Chapter 13 Trustee. If no responses are filed, the Court may consider said motion immediately after the time has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

CERTIFICATE

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the following attorneys of record and/or parties of interest.

Dated: January 28, 2020

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEY FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
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**IN THE UNITED STATES BANKRUPTCY COURT FOR
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IN THE MATTER OF:

CHAPTER 13 CASE NO:

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MOTION TO MODIFY CONFIRMED PLAN

COMES NOW the Chapter 13 Trustee, Locke D. Barkley (the “Trustee”), by and through counsel, and files this Motion to Modify Confirmed Plan (the “Motion”). **The recipient(s) of this Motion have 30 days, subject to Fed. R. Bankr. P. 9006(f), in which to file a response or objection.** In support of the Motion, the Trustee states as follows:

1. The Debtor’s Chapter 13 plan was confirmed by Order of this Court entered on October 15, 2019, for a term of sixty (60) months (Dkt. #13) (the “Confirmed Plan”). The Confirmed Plan provides for no distribution to nonpriority unsecured creditors with timely filed and allowed proofs of claim.

2. Section 3.1(c) of the Confirmed Plan contains a provision that provides for the payment of \$172.19 per month beginning September 2019 to Ditech Financial, LLC as a continuing escrow payment (the “Escrow Provision”).

3. On or about January 9, 2020, Ditech Financial LLC (the “Creditor”) filed its Proof of Claim (Clm. #9-1) in the amount of \$24,829.17 (the “Claim”). Neither the Claim nor any of the attachments provided for or required a monthly escrow payment from the Debtor.

4. The Trustee requests that Section 3.1(c) of the Confirmed Plan be modified to remove the Escrow Provision.

5. The Debtor's plan payment should be reduced accordingly.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing that this Court enter its order granting the Motion and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: January 28, 2020

Respectfully submitted,

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

/s/ Melanie T. Vardaman
ATTORNEY FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Ditech Financial, LLC
f/k/a Green Tree Servicing, LLC
Post Office Box 12740
Tempe, AZ 85284-0046

Dated: January 28, 2020

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN